

United States District Court

FOR THE FILED
NORTHERN DISTRICT OF CALIFORNIA
CRIMINAL DIVISION 10 PH 1:20

CR 07-0428

UNITED STATES OF AMERICA,

v.

CARMAN CHAN and PAUL LEUNG

E-Filing

MMC

DEFENDANT.

INDICTMENT

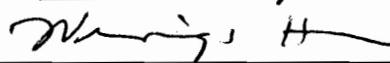
Title 8, United States Code, Section 1324 (a)(1)(A)(iii) -
Alien Harboring; Title 8, United States Code, Section
1324 (a)(1)(A)(v)(I) - Conspiracy to Commit Alien
Harboring; Title 18 United States Code, Section 1001
(a)(2) - Making a False Statement to a Federal Agent
(two counts)

A true bill.


Foreman

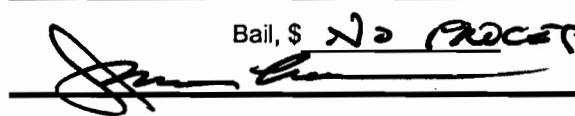
Filed in open court this 10th day of

July 2007



Clerk

Bail, \$ No Probate



AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

Ct 1: 8 U.S.C. § 1324(a)(1)(A)(iii)
- Alien Harboring; Ct 2: 8 U.S.C. § 1324(a)(1)(A)(v)(I) - Conspiracy
to Commit Alien Harboring; Ct 4:
18 U.S.C. § 1001(a)(2)

- Petty
 Minor
 Misdemeanor
 Felony

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

07 JUL 10 PM 1:20

DEFENDANT U.S.
RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
PAUL LEUNG

DISTRICT COURT NUMBER

CR 07 0428

DEFENDANT**MMC****IS NOT IN CUSTODY**

- Has not been arrested, pending outcome this proceeding.
- 1) If not detained give date any prior summons was served on above charges
 - 2) Is a Fugitive
 - 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
 - 5) On another conviction
 - 6) Awaiting trial on other charges } Fed'l State
- If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No } If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not
Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

SUMMONS NO PROCESS* WARRANT Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

7

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

E-Filing**PROCEEDING**

Name of Complainant Agency, or Person (&Title, if any)
ICE - SA Brian Ginn / FBI - SA Siddhartha Patel

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprocsecution of charges previously dismissed which were dismissed on motion of:

U.S. Atty' Defense
 this prosecution relates to a pending case involving this same defendant
 prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM

SCOTT N. SCHOOLS

U.S. Atty' Other U.S. Agency

Name of Asst. U.S. Atty (if assigned)

Denise Marie Barton

Penalty Sheet

Defendant: Paul Leung

Count 1: Alien Harboring, 8 U.S.C. § 1324(a)(1)(A)(iii)

Maximum Penalties: Class D Felony, imprisonment not more than 5 years, maximum of 3 years supervised release; \$100 special assessment.

Count 2: Conspiracy to Commit Alien Harboring, 8 U.S.C. § 1324(a)(1)(v)(I)

Maximum Penalties: Class C Felony, imprisonment not more than 10 years, maximum of 3 years supervised release; \$100 special assessment.

Count 4: Making a False Statement to a Federal Agent, 18 U.S.C. § 1001(a)(2)

Maximum Penalties: Class D Felony, imprisonment not more than 5 years, maximum of 3 years supervised release; \$100 special assessment.

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

Ct 1: 8 U.S.C. § 1324(a)(1)(A)(iii)
- Alien Harboring; Ct 2: 8 U.S.C. § 1324(a)(1)(A)(v)(I) - Conspiracy
to Commit Alien Harboring; Ct 3:
18 U.S.C. § 1001(a)(2)

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

See attached penalty sheet.

E-Filing**FILED**Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

07 JUL 10 PM 1:20

DEFENDANT: U.S. DISTRICT COURT
RICHARD W. DAVIS
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
CARMAN CHAN

DISTRICT COURT NUMBER**CR 07 0428****MMC****DEFENDANT****IS NOT IN CUSTODY**

- 1) Has not been arrested, pending outcome this proceeding.
If not detained give date any prior summons was served on above charges
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction
- 6) Awaiting trial on other charges } Fed'l State

If answer to (6) is "Yes", show name of Institution

Has detainer been filed? Yes No } If "Yes" give date filed

Month/Day/Year

DATE OF ARREST

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY This report amends AO 257 previously submitted

Name and Office of Person
Furnishing Information on
THIS FORM

SCOTT N. SCHOOLS

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y
(if assigned)

Denise Marie Barton

PROCESS: SUMMONS NO PROCESS* WARRANT Bail Amount: _____

If Summons, complete following:

 Arraignment Initial Appearance

Defendant Address: _____

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

Penalty Sheet

Defendant: Carman Chan

Count 1: Alien Harboring, 8 U.S.C. § 1324(a)(1)(A)(iii)

Maximum Penalties: Class D Felony, imprisonment not more than 5 years, maximum of 3 years supervised release; \$100 special assessment.

Count 2: Conspiracy to Commit Alien Harboring, 8 U.S.C. § 1324(a)(1)(v)(I)

Maximum Penalties: Class C Felony, imprisonment not more than 10 years, maximum of 3 years supervised release; \$100 special assessment.

Count 3: Making a False Statement to a Federal Agent, 18 U.S.C. § 1001(a)(2)

Maximum Penalties: Class D Felony, imprisonment not more than 5 years, maximum of 3 years supervised release; \$100 special assessment.

1 SCOTT N. SCHOOLS (SCBN 9990)
2 United States Attorney
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E-Filing

FILED
07 JUL 10 PM 1:23
RICHARD W. HICKMAN
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

11 CR 07 0428 MMC

12 UNITED STATES OF AMERICA,)
13 Plaintiff,)
14 v.)
15 CARMAN CHAN, and)
16 PAUL LEUNG,)
17 Defendants.)

No. CR

VIOLATIONS: Title 8, United States Code,
Section 1324(a)(1)(A)(iii) – Alien
Harboring; Title 8, United States Code,
Section 1324(a)(1)(A)(v)(I) – Conspiracy to
Commit Alien Harboring; Title 18 United
States Code, Section 1001(a)(2) – Making a
False Statement to a Federal Agent (two
counts)

18 SAN FRANCISCO VENUE

19 INDICTMENT

20 The Grand Jury charges:

21 COUNT ONE: 8 U.S.C. § 1324(a)(1)(A)(iii) – Alien Harboring

22 Beginning on or about January 9, 2003 and continuing until on or about April 7, 2006, in
23 the Northern District of California, the defendants,

24 CARMAN CHAN,
25 and
PAUL LEUNG,

26 did knowingly and intentionally conceal, harbor, and shield from detection an alien, namely,
27 Indarwati Midjan, at 5816 Buena Vista Avenue, Oakland; at 673 Freesia Drive, South San
28 Francisco; and at 1820 Forest View Drive, Hillsborough, knowing or in reckless disregard of the

1 fact that the alien had remained in the United States; all in violation of law in violation of Title 8,
2 United States Code, Section 1324(a)(1)(A)(iii).

3 COUNT TWO: 8 U.S.C. § 1324(a)(1)(A)(v)(I) – Conspiracy to Commit Alien Harboring

4 Beginning on or about January 9, 2003 and continuing until on or about April 7, 2006, in
5 the Northern District of California, the defendants,

6 CARMAN CHAN,
7 and
PAUL LEUNG,

8 did knowingly and intentionally conspire to conceal, harbor, and shield from detection an alien,
9 namely Indarwati Midjan, knowing or in reckless disregard of the fact that the alien had remained
10 in the United States in violation of law; all in violation of Title 8, United States Code, Sections
11 1324(a)(1)(A)(v)(I) and 1324(a)(1)(A)(iii).

12 COUNT THREE: 18 U.S.C. § Section 1001(a)(2) – Making a False Statement to a Federal
13 Agent

14 On or about February 8, 2007, in the Northern District of California, in a matter within
15 the jurisdiction of the Department of Homeland Security, Immigration and Customs Enforcement
16 and the Federal Bureau of Investigation, both agencies of the United States, the defendant,

17 CARMAN CHAN,
18 did knowingly and willfully make a materially false, fraudulent, and fictitious statement and
19 representation to a federal agent, to wit, that Indarwati Midjan only worked with the defendants
20 CARMAN CHAN and PAUL LEUNG at their residence in Oakland, California and that
21 Indarwati Midjan had never been to CARMAN CHAN's and PAUL LEUNG's residence at 1820
22 Forest View Drive, Hillsborough, California; all in violation of Title 18, United States Code,
23 Section 1001(a)(2).

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1 COUNT FOUR: 18 U.S.C. § Section 1001(a)(2) – Making a False Statement to a Federal
2 Agent

3 On or about February 8, 2007, in the Northern District of California, in a matter within
4 the jurisdiction of the Department of Homeland Security, Immigration and Customs Enforcement
5 and the Federal Bureau of Investigation, both agencies of the United States, the defendant,

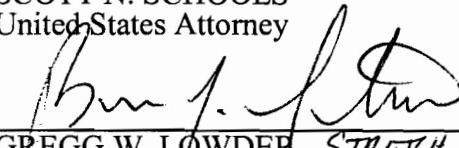
6 PAUL LEUNG,

7 did knowingly and willfully make a materially false, fraudulent, and fictitious statement and
8 representation to a federal agent, to wit, that is that Indarwati Midjan only stayed with the
9 defendants PAUL LEUNG and CARMAN CHAN periodically in Oakland, California and that
10 Midjan had her own home in a location unknown to PAUL LEUNG; all in violation of Title 18,
11 United States Code, Section 1001(a)(2).


George H. Kameloff
Acting Foreperson

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13 DATED: July 10, 2007

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15 SCOTT N. SCHOOLS
United States Attorney

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17 
18 GREGG W. LOWDER STRETCH FOR LAWER
Assistant United States Attorney
Deputy Chief, Major Crimes Section

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21 (Approved as to form: 
22 AUSA BARTON)

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